

**PUBLIC HEALTH DEPARTMENT[641]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 105.4, the Plumbing and Mechanical Systems Board hereby adopts Chapter 33, “Plumbing and Mechanical Systems Board—Contested Cases,” Iowa Administrative Code.

The rules in Chapter 33 describe the requirements that a licensee must follow to file a contested case and the proceedings that the Iowa Plumbing and Mechanical Systems Board will conduct as the proceedings apply to the contested case. The rules also provide details concerning decisions, appeals and recovery of hearing fees and expenses.

Notice of Intended Action was published in the Iowa Administrative Bulletin on June 16, 2010, as **ARC 8861B**. A public hearing was held on July 6, 2010.

Two written comments were received during the public comment period. One comment suggested two changes. The first suggestion was to change the terminology in the first sentence of rule 641—33.7(17A) from “proceedings” to “evidentiary hearing.” The Board concluded that this was a prudent change and altered the wording in the rule. The second suggestion was to add in rule 641—33.8(105) the sentence: “Licensee may have representation at their own cost.” After review, the Board altered the rule by adding the following sentence to reflect the intent of the suggestion: “All other parties to a proceeding before the board shall be entitled to have counsel at their own expense.”

The second comment addressed rule 641—33.31(17A,272C). The commenter suggested that the client notification provision was too harsh. Given that the purpose of licensing is to protect the public, the Board concluded that requiring client notification when a licensee cannot perform licensed work advances the protection purpose. No change was made to rule 641—33.31(17A,272C).

The Plumbing and Mechanical Systems Board adopted these rules on August 17, 2010.

These rules are intended to implement Iowa Code chapters 17A, 105 and 272C.

These rules will become effective October 13, 2010.

EDITOR’S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these rules [Ch 33] is being omitted. With the exception of the changes noted above, these rules are identical to those published under Notice as **ARC 8861B**, IAB 6/16/10.

[Filed 8/18/10, effective 10/13/10]

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[For replacement pages for IAC, see IAC Supplement 9/8/10.]